

FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2018 OCT 15 PM 3:59

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY \_\_\_\_\_  
DEPUTY

BRANDON DANIEL,

Petitioner,

V.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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CIVIL NO. A-17-CV-1069-LY

\* DEATH PENALTY CASE \*

**ORDER**

Before the court is a Motion for Amended Briefing Schedule filed jointly by the parties on October 5, 2018 (ECF No. 5). The parties seek to amend the scheduling order and page limits previously set forth by the court in its Order dated November 21, 2017 (ECF No. 3). After careful consideration, the court finds the requests made by the parties to be reasonable and will grant the joint motion.

Accordingly, it is hereby **ORDERED** that the Joint Motion for Amended Briefing Schedule, filed October 5, 2018, (ECF No. 5), is **GRANTED** as follows:

1. Petitioner is directed to file a Petition for Writ of Habeas Corpus in accordance with 28 U.S.C. § 2254 and Rule 2 of the Rules Governing § 2254 Cases within the required time limit. *See* 28 U.S.C. § 2244(d). The petition and any supporting brief shall total no more than **170 pages** and shall include all grounds for federal habeas corpus relief Petitioner wishes this court to consider in connection with his capital murder conviction and death sentence. The petition shall also set forth which claims are exhausted and which claims Petitioner acknowledges were not presented to the state court but argues may be considered by this court because of an exception to any procedural bar.

2. Petitioner shall then file an Amended Petition for Writ of Habeas Corpus on or before 120 days after the filing of Petitioner's initial Petition for Writ of Habeas Corpus. The amended petition and any supporting brief shall total no more than 170 pages and shall supplement the claims presented in the initial petition. No new claims for relief will be presented in the amended petition that were not previously raised in Petitioner's initial petition for federal habeas corpus relief.

3. Respondent shall file her answer or other responsive pleading on or before 90 days after the filing of Petitioner's Amended Petition for Writ of Habeas Corpus. Respondent's answer or other responsive pleading shall conform to the requirements of Rule 5 of the Rules Governing § 2254 Cases and shall total no more than 170 pages.

4. Petitioner may file a reply to Respondent's answer in accordance with Rule 5(e) of the Rules Governing § 2254 Cases provided it is filed no more than 60 days after the filing of Respondent's answer. The reply and any supporting brief shall total no more than 50 pages, shall be limited to the arguments raised in Respondent's answer, and shall not include any new allegations of fact or new grounds for relief.

SIGNED this the 15th day of October, 2018.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE